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ATTORNEY FOR DEFENDANT
 CLAUDIO MACIEL

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR-15 00416 WHA
)	
)	STIPULATION TO CONTINUE CO-
)	DEFENDANT CLAUDIO MACIEL'S
v.)	APPEARANCE AT SEPTEMBER 8, 2015
)	STATUS HEARING AND PROPOSED ORDER
ENZO CESTONI AND CLAUDIO MACIEL)	
)	
Defendants)	

This stipulation is submitted on behalf of the government and co-defendant CLAUDIO MACIEL. Mr. MACIEL has been indicted for being a felon-in-possession of a firearm in violation of 18 U.S.C. section 922(g)(1). Mr. MACIEL is currently detained. Defense counsel was appointed to represent Mr. MACIEL on September 2, 2105. He was arraigned and a status conference was scheduled with the co-defendant for September 8, 2015 at 2:30 p.m. with the understanding that it is the practice of the Court to set status conferences on the first available date.

However, Defense counsel made it clear on the record that he was scheduled on the very same date at 1:00 p.m. for an under seal hearing before Judge White in Oakland, California. It is the understanding of counsel that it is the practice of Judge White to hold any under seal hearings on his docket at the conclusion of the calendar. Both defense counsel and Judge Kim's court clerk advised that they would contact Judge White's court room to inquire if defense counsel's under seal appearance could

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1 be moved to the beginning of the calendar so that he could return to San Francisco for the 2:30 p.m.
 2 status conference currently set. Defense counsel has since been informed by both Judge White's and
 3 Magistrate Kim's clerks that the request could not be accommodated. Defense counsel contacted the
 4 Court's calendar clerk via e-mail about the situation and was advised today that the Court would be
 5 available on September 22, 2015. Thus, defense counsel finds himself between a rock and a hard place
 6 and fears he will be unable to make a timely appearance for the September 8, 2015 2:30 p.m. status
 7 conference.

8 Given the foregoing description of the dilemma currently facing Mr. MACIEL's counsel, the
 9 parties to this stipulation respectfully request that the scheduled appearance at the September 8, 2015
 10 status be vacated and continued until **September 22, 2015**, or until a later date of the Court's
 11 convenience.

12 Time has already been excluded from the Speedy Trial Act by stipulation and order until
 13 September 8, 2015, and in the event the Court grants the instant stipulation the parties will prepare and
 14 submit an additional stipulation excluding time until the date the Court sets as the hearing date for Mr.
 15 MACIEL (assuming the Court agrees to vacate and continue his appearance at the September 8, 2015
 16 hearing).

17 Dated: September 4, 2015

18 SO STIPULATED:


 JOHN FORSYTH
 Counsel for CLAUDIO MACIEL

21 SO STIPULATED:

BRIAN J. STRETCH
 Acting U.S. Attorney

_____/s/_____
 PHILIP KOPCZYNSKI
 Assistant U.S. Attorney

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~~[PROPOSED]~~ ORDER

For the reasons stated in the parties' stipulation to vacate the September 8, 2015 hearing date for co-defendant, CLAUDIO MACIEL, it is hereby ORDERED that:

- (1) The September 8, 2015 hearing is vacated as to defendant CLAUDIO MACIEL and defendant MACIEL shall appear for a status hearing on September 22, 2015 ~~for~~ at 2 P.M.
- (2) The parties shall submit a stipulation excluding time from the date of this Order and the date of the hearing, i.e. September 22, 2015 ~~for~~.

IT IS SO ORDERED.

DATED: September 8, 2015.


HON. WILLIAM H. ALSUP
United States District Court

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